

PCMLS Schedule of Fines & Sanctions for MLS Violations

I. DATA INPUT VIOLATIONS:

With respect to a listing, each of the items listed below is a violation of the Rules and Regulations. Following written notification (e-mail and/or mail) of the violation(s), the member will have a three (3) business day grace period to correct the violation(s). If the violation(s) is corrected during this grace period, the fine will be waived. For purposes of this schedule, the term “business days” shall mean Monday through Friday, exclusive of State or Federal holidays. If the violation is not corrected during the three (3) business day grace period, the member will be fined \$50.00. If the violation is not corrected within five (5) business days of the original violation, the Board will assess an additional \$50 fee and may, but is not required to make the correction.

1. Failure to enter a listing which is complete and accurate in every mandatory field. (Section 1.2)
2. Failure to enter any changes in the broker compensation including bonuses (Section 5, Note 2A)
3. Failure to update tax identification number after a permanent number is issued or to correct an error if the tax identification number is entered incorrectly. (Section 1.2)
4. Failure to enter at least one photo within 5 days of entering the Listing on the MLS. (Section 1.2F)
5. Failure to enter a listing in the correct property type, or entering a listing into more than one property type. (Section 1B)
6. Failure to include an “Amenities,” “Lifestyle”, or “Surrounding Area” banner on the primary photo of any Listing that is taken off of the property.. (Section 1.2G)
7. Posting a photo that does not accurately represent the property views (Section 1.2H).
8. Failure to include an “Under Construction” banner on the primary photo of any Listing that does not have a Certificate of Occupancy. (Section 1.2I)

II. TIMELINESS AND MISCELLANEOUS VIOLATIONS:

The MLS Rules & Regulations stipulate that entry of, and status changes to, listings must occur within five (5) business days of either the effective date or the date that all required signatures have been obtained (whichever is later). Violations are tracked for a 2-year period from the first offense per each individual violation. Following written notification (e-mail and/or mail) of the violation(s), the member will have a three (3) business day grace period to correct the violation(s). If the violation(s) is corrected during this grace period, the fine will be waived. For purposes of this schedule, the term “business days” shall mean Monday through Friday, exclusive of State or Federal holidays. If the violation is not corrected during the three (3) business day grace period, the member will be fined \$50.00. If the violation is not corrected within five (5) business days of the original violation, the Board will assess an additional \$50 fee and may, but is not required to make the correction.

The following violations and the fines associated with the offense(s) are as follows:

- 1st offense: Warning issued.
- 2nd offense: \$25 fine
- 3rd offense: \$100 fine
- 4th offense: \$200 fine
- 5th offense: \$500 fine
- 6th offense: 3 month MLS usage suspension and, upon reinstatement, must complete an ethics class within one month.

1. Failure to enter a listing of any property within the MLS jurisdiction. (Section 1)
2. Failure to submit a signed “Certification to Withhold Property Listing” (Section 1.3A)
3. Failure to comply with the public remarks rules. (Section 1.2C)

4. MLS subscriber NOT obtaining the prior consent of the listing broker to advertise their listing. (Section 2.7)
5. Failure of a subscriber to disclose through the MLS any ownership in the listed property (Section 5.1)
6. Failure of a subscriber to disclose a contemplated personal interest in the property at the time the purchase offer is submitted (Sections 5.2)
7. Non-Subscriber placing a listing through their Participant where the Licensed Agents are not a Subscriber. (Section 8.b.i., Note 1). Non-subscriber information cannot be listed in the confidential and/or any public remarks sections. (Section 3.18)
8. Failure to enter any changes to listing agreement, including change in listing price (Section 1.4)
9. Failure to enter an extension, withdrawal or renewal (reinstate date) for a listing (Sections 1.5 & 1.10)
10. Failure to enter the renewal or removal of a contingency (Sections 1.6 & 2.6)
11. Failure to report a status change (Section 1.5)
12. Failure to enter a Pending Sale with a Time Clause Contingency (Section 2.5B)
13. Failure to enter a Pending Sale (Section 2.5B)
14. Failure to enter a closed sale (Section 2.5)
15. Failure to enter the cancellation of a Pending Sale (failed sale) (Section 2.8)
16. Failure to remove a time clause contingency (Section 2.8A)
17. Failure to obtain permission from the original listing broker, or any other owner of a photograph or other visual image, to use such photographs or visual image associated with any current or previous listings, except as permitted by Section 13A of Rules and Regulations of the Park City Multiple Listing Service. (Section 13A)
18. Failure to enter at least one photo within 5 calendar days of entering the listing on the MLS. (Section 1.2F)
19. Failure to include an "Under Construction" banner on the primary photo of any listing that does not have a Certificate of Occupancy. (Section 1.2G)
20. Failure to submit a written offer to a seller. (Section 2.2)
21. Failure to include the words "Limited Service Listing" in the confidential remarks of a Limited Service Listing. (Sec. 1.2.1A)
22. Failure to disclose dual rate commission in confidential remarks (Sec. 5.3.A)
23. Failure to disclose HUD identification number in confidential remarks when a range of commissions is approved by HUD. (Sec. 5.3C)
24. Misrepresentation of availability of access to show or inspect listed property (Sec. 2.10)
25. Failure to report a potential Short Sale when reasonably known. (Section 5.0.1)
26. Failure to enter a closed Short Sale. (Section 2.5)

III. IMMEDIATE FINES:

Violations are tracked for a 2-year period from the first offense per each individual violation. There is no warning associated with these fines and the fine schedule is as follows. Following written notification (e-mail and/or mail) of the violation(s), the member will have a three (3) business day grace period to correct the violation(s). For purposes of this schedule, the term "business days" shall mean Monday through Friday, exclusive of State or Federal holidays. If the violation is not corrected during the three (3) business day grace period, the member will be fined an additional \$50.00. If the violation is not corrected within five (5) business days of the original violation, the Board will assess an additional \$50 fee and may, but is not required to make the correction.

1st offense - \$100

2nd offense - \$200

3rd offense - \$500

4th offense - \$1,500

5th offense - 3 month MLS usage suspension and, upon reinstatement, must complete Ethics Class within 1 month.

1. Subscriber and/or affiliate subscriber (e.g., home inspector, photographer) who loans or transfers a key pad, or device with key pad ability to any unauthorized person or entity or uses the key pad for any unauthorized purpose. (Section 20.3.n)
2. Failure to disclose the presence of exempted prospects or the expiration date of their exemption in the MLS "confidential remarks" (Sec. 5.3B)

3. Failure to coordinate showing appointments through the listing broker, or otherwise failing to follow showing instructions contained in the MLS listing (Section 2)
4. Failure to obtain written authorization, in advance, from the owner of a property verifying his/her consent to market the property not yet owned by a potential seller, or the assignability of a real estate purchase contract by the potential seller. A potential seller is anyone who does not yet own the property.
5. Subscriber providing MLS credentials to ANYONE. (Section 4A)
6. Placing a lock box on a property without the prior written consent of the owner of that property (Sec. 20.3k)
7. Failure to obtain signed authorization from seller & the listing broker before entering a listing, an extension, withdrawal or renewal of a listing (Section 1B, Note 1)
8. Violation of any provisions of the Park City Multiple Listing Service Rules & Regulations, including but not limited to the prohibition of communication of confidential information (Section 10.2D)
9. Disclosing Sold data to any entity other than the MLS or an active client (Section 2.5C, Note 2.A)

IV. VERIFICATION PROCESS:

The PCMLS may request subscriber who violates these rules and regulation to provide any signed and dated document(s), at the PCMLS's discretion, reasonably related to such violation(s). (Sec 1.2E) Failure to provide the PCMLS with the requested documentation within three (3) business days after the request shall result in an additional \$25 administrative fine.

V. APPEALS PROCESS:

Appeals to the fines may be requested by providing written notice to the PCMLS together with the basis of the appeal, within 15 days of the original notification of violation (refer to Article 9, Enforcement of Rules or Disputes in the MLS Rules and Regulations.)

VI. NON-DISCLOSURE OF SALES PRICE FEES & FINES SCHEDULE:

A buyer or seller may request that the sales price of their transaction not be disclosed. That is allowed by the WBMLS under the following conditions:

1. Both buyer and seller must agree to not disclose the sales price. The Authorization for Non-Disclosure of Sales Price form must be submitted to the WBMLS Staff with signatures from seller, buyer, listing agent, listing broker, selling agent, and selling broker.
2. A \$5,000 fee is paid to the MLS. The fee is to be paid by the agent representing the party requesting the undisclosed sales price.
3. The fee must be paid within 15 business days of the approval of the Authorization for Non-Disclosure of Sales Price or the transaction close, whichever occurs last. If the fee is not paid within 15 business days of approval or closing, an additional \$1,000 every 5 business days will be added to the fee. For purposes of this schedule, the term "business days" shall mean Monday through Friday, exclusive of State or Federal holidays. If the fee and fines are not paid within 20 business days of approval or closing, the agent requesting the undisclosed sales price will receive a 3-month MLS usage suspension.
4. Actions taken by participants and/or subscribers to circumvent the rules on reporting accurate information (e.g., evade reporting of the sales price or paying an undisclosed sales price fee) will result in a \$1,000 fine plus the \$5,000 fee if the accurate information is not reported or the completed Non-Disclosure of Sales Price is not submitted within 5 business days of notification. There is no warning with these fines. The broker will always be notified when one of their agents has taken action that appears to circumvent the rules.
5. Once the undisclosed sales price is submitted, fee paid, and the transaction closed, the sale will be marked as

Non-Participatory and the sold price will be marked as \$0.

VII. VERIFICATION PROCESS:

When a suspected violation occurs to circumvent the rules, the following steps will be taken:

1. A notice will be sent to the Listing Agent and Broker requiring certification that no attempt to circumvent rules on reporting accurate information was made and that no commission was paid to any Agent or Brokerage, including any cooperating Broker. Listing Agent and Listing Broker will be given 3 business days to return a signed certification to the Board.
2. If the signed certification is not received within the above time-period, Listing Agent and Broker will each be fined \$500 and given an additional 3 business days to comply. If the certification is not received within six (6) business days of the original notice, the member will be fined an additional \$1,000. If the certification is not received within eight (8) business days of the original notice, the agent will be given a 3-month MLS usage suspension and the member will be required to complete an Ethics Class and pay any outstanding fees and fines before reinstatement.
3. If Listing Agent acknowledges that there was an attempt to circumvent reporting the sales price or paying the undisclosed sales price fee, they will be required to report the accurate transaction information including sales price or submit a completed Authorization for Non-Disclosure of Sales Price within 24 hours. The Listing Agent will be required to pay a \$500 fine plus the appropriate undisclosed sales price fee if they request the sales price not be disclosed. The Listing Broker will receive no fine. The sale will be marked as Non-Participatory and the sold price will be marked as \$0.
4. If a signed certification is received and later determined to be invalid, it will be as if no certification was received and the above fee and fine schedule will begin, requiring the agent to report the accurate sales price or submit a completed Authorization for Removal of Listing from MLS.

VIII. BROKER REQUEST FOR WAIVER:

Listing Broker shall have the right to request a waiver to this policy. Any applicable fees, fines, or suspension will be delayed until after the appeal has been heard. Broker shall complete a form with the accurate sales information including price and submit this to Board of Directors with a business justification for why the Board should waive any terms in the procedure listed above.

The Board will consider the request at the next Board Meeting.

IX. PAYMENT OF FINES

Fines will be billed to the subscriber's MLS account and are payable as stated in Section 7C of the MLS Rules and Regulations.

I agree that I have received, read and understand the above fines and sanctions.

NAME _____ SIGNATURE _____ DATE _____
Please print legibly